

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

August 7, 2013

The North Ogden Planning Commission convened in a regular meeting on August 7, 2013 at 6:30 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 1, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Larry Residori	Chairman
Eric Thomas	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Steve Quinney	Commissioner
Dee Russell	Commissioner

STAFF:

Craig Barker	Community Development Director
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder
Ron Chandler	City Manager

VISITORS:

Linda Marks	LouJean Findlay	Steve Tobias
Phil Marks	Ronald Wheelwright	Jeff Fredrickson
Robert Gould	Marie Berrett	Melissa Fredrickson
Charles Schmalz	LaDawn Hirst	Lyman Barker
Nola Warner	Bret Wahlen	Ann Simmons
Matthew Godfrey		

REGULAR MEETING

Chairman Residori called the regular meeting to order at 6:30 p.m. Commissioner Russell offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CONSIDERATION TO APPROVE THE JUNE 12, 2013 PLANNING COMMISSION MINUTES.

Commissioner Brown made a motion to approve the June 12, 2013 Planning Commission minutes. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

LaDawn Hirst, 2453 N 525 E, stated she moved to the City on June 5, and she loves North Ogden. She stated she came from Paradise in Cache Valley, and she loved it there as well, but she is glad to be in North Ogden now.

2. CONSIDERATION TO SUGGEST ZONING FOR THE BACH SELF STORAGE ANNEXATION, LOCATED AT APPROXIMATELY 2197 N. 400 E.

A memo from Community Development Director Craig Barker explained Bach Self Storage has petitioned the City to annex approximately two acres south of its existing location to add property, which will be used for outdoor hard surface (asphalt) for RV, trailer and other storage. The existing outdoor storage will be converted to enclosed storage which has been their plan. The first step to begin their expansion is to annex this property into the City. The Planning Commission's part in this process is to recommend a zone for the property. The existing storage facility is zoned Manufacturing MP-1. It is recommended that the annexed property be brought into the City with the same MP-1 Zone. After the annexation is complete, the Planning Commission will be asked to approve a Conditional Use Permit for the additional storage units.

Mr. Barker summarized his staff memo. He also reviewed the annexation plan and highlighted the location of the subject property for the Planning Commission.

Steve Tobias, 1238 W. Jordan River Drive in South Jordan, stated he is with KW Commercial Real Estate and he is part owner in this project. He stated he conducted a feasibility study relative to this project and the study indicated there was enough demand in the area for 150,000 square feet of storage; the project is currently only half built-out and when it is fully built-out it will consist of 90,000 square feet of storage so there is still quite a bit of opportunity to meet the demand. He stated when the project was first constructed they built half of the buildings needed at the site and poured the concrete for the future buildings; the west portion is now used to store recreational vehicles (RVs) for 80 customers. He stated the east portion is now 96 percent occupied and he approached the landowner to the south, who currently owns 22 acres of unincorporated property, to negotiate the purchase of three acres of his property. He noted the same entrance to the business would be maintained and the three acres of property would be developed into a parking area for RV storage. He provided the Planning Commission with a copy of the initial site plan for the project and he briefly reviewed it. He stated the property to the north of the business is home to a residential development and the vacant properties surrounding the business are also slated for residential development. He reiterated he is looking to satisfy the demand for storage space in the City as well as satisfy customers that wish to store their RVs at the facility.

Chairman Residori asked if there will be a fence on the south side of the property next to the residential development. Mr. Barker stated there will be a fence or the wall of the units could act as the fence. Chairman Residori stated that there will be no units in that area; that is where RV parking will be handled. Mr. Barker stated the Planning Commission is not considering the site plan this evening. Mr. Tobias stated he plans to use the same type of precast wall that has been used throughout the site to date.

Vice-Chairman Thomas asked Mr. Tobias if he has already purchased the property. Mr. Tobias stated it is under contract. Vice-Chairman Thomas asked if there is a plan for the road associated with the project to continue. Mr. Tobias stated that it was only necessary for his access to line up with an access point across the street. Mr. Barker stated that is correct, but there was no requirement for a new road.

Commissioner Knight asked if this project is part of the plan being discussed by the Economic Development Committee (EDC). Mr. Barker stated that is not known at this time; this is an area that will be studied as the General Plan is updated, but an area this small will not change the picture of zoning for the larger area in the future. A short discussion centered on potential zoning of the overall area in the future with Chairman Residori noting this property has not been discussed by the EDC since he has been participating with that body. He stated it is relatively small and it is a fair distance from Washington Boulevard.

Commissioner Brown complimented Mr. Tobias on his development. She stated it looks very nice and she likes the landscaping and the new sign.

**Commissioner Knight made a motion to open the public hearing at 6:46 p.m.
Commissioner Brown seconded the motion.**

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

Jeff Frederickson, 274 E 2150 N, stated he is trying to figure out how his property relates to the subject property; he is in the area of the business, but he cannot tell exactly where the property lines of his property are in relation to the subject property. He then stated he agrees with Commissioner Brown that the property looks very nice and it is good to know that there will be a fence between the subject property and the neighboring properties. Staff provided a plat map to review the proximity of Mr. Frederickson's property to the subject property. There was a discussion about some items that will be considered more carefully at the site plan step of the process.

**Commissioner Brown made a motion to close the public hearing at 6:50 p.m.
Commissioner Quinney seconded the motion.**

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

Commissioner Quinney made a motion to recommend the annexation of three acres of property located at 2197 N. 400 E. and to assign the MP-1 zoning designation to the property. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

3. PUBLIC HEARING AND RECOMMENDATION TO REZONE PROPERTY FOR SMITH'S MARKETPLACE, LOCATED AT APPROXIMATELY 2500 N 450 E, FROM RESIDENTIAL R-2 TO COMMERCIAL CP-2.

A memo from Community Development Director Craig Barker explained this petition is quite different than a traditional rezoning request since it is being rezoned to a Planned Commercial CP-2 Zone. This process requires not only that the rezoning be heard by the Planning Commission but that a Preliminary Development Plan also be approved. Included with this report is a step by step process for the Planning Commission to see. The CP-2 ordinance requires that the developer, after the approval of the Final Development Plan is approved, actually provide a guarantee to the City for the installation of the landscaping. This requires a cost estimate be provided by the developer to the City. The other issues determined by staff are both items which could be of concern and some ordinance requirements. Staff recommends that the Planning Commission recommend to the City Council that the property that is not yet zoned CP-2, be rezoned to CP-2 and the Preliminary Development Plan be approved as well.

Mr. Barker reviewed his staff memo and reviewed an aerial photograph of the subject property to identify the small portion of the property that is the subject of the rezone request. He cited the canal located in the vicinity of the property and stated the developer of the property has tentatively agreed to a public trails system on top of the canal once it is buried. He stated that before those particular aspects of the development can be discussed, the property must be rezoned. He added that the proposed new Smith's store will be approximately three times the size of the current store. He added that the engineer for the project is present this evening to answer any questions the Planning Commission or the public may have.

Bret Wahlen, from Great Basin Engineering, stated he is representing Smith's Food and Drug and he has been involved with the City for the past five or six years working on this proposed project; Smith's is very anxious to get it underway. He noted the original plans for the project included pads built on the front of the subject property to accommodate the new store, but Smith's and its parent company Kroger have slightly changed their plans during the recession and the proposal that is included on the proposal is for a 123,000 square foot building, which is not quite as large as Mr. Barker indicated, though there is the potential to expand the building in the future. He noted the project has long been anticipated; the store is old and tired and Smith's is willing to make a significant investment in the City of North Ogden. He stated it is appropriate for the public to know that the property was planned in a way to allow for additional residential development east of the property and there would be a buffer between the existing homes and the commercial development. He stated that the piping of the canal that Mr. Barker referenced is a significant improvement to the area and it will remove a significant hazard to children. He noted there will be a wall separating the development from the proposed residential development and there is a significant grade change between the improvements on the east side of the proposed project and the future residential development; the grade actually steps up by about eight feet. He stated that the grade change combined with a wall and landscaping will provide an appropriate way to minimize any impacts to the future residential development. He then stated he is here to answer any questions about the rezone request or the site plan for the project.

Commissioner Quinney stated he has a question about the existing store and the other retail shops in the development. He stated he is concerned about the development being impacted in a negative way and he asked if the current Smith's store will remain. Mr. Wahlen stated that is a good question and that concern was shared by many throughout the planning process. He stated there is a driveway that will extend behind the existing buildings and he is anticipating adding landscaping to the back of the building so that it does not feel like an alleyway. He stated the area will be opened up as the canal is piped. He noted there is no current proposal regarding the use of the Smith's building; Kroger is considering what to propose for the building and he would anticipate that it would be utilized for future retail space or possibly a restaurant or health club. He stated one of the exciting parts of redevelopment is the fact that things start to happen a lot quicker when there is dirt moving and new buildings going up. He added David Anderson owns the retail shops north of the existing Smith's building and he also owns the Subway restaurant located in the southwest corner of the development. He added that he is working to clean up the main driveway to the development in order to improve traffic movements. He stated he has been working with Matthew Godfrey to recruit new tenants for the building and there have been ongoing conversations about how the area will redevelop possibly with some participation from the City. He stated Smith's wants to see that their investment in the project is well spent; they have a significant investment in the existing project and they want that to continue with the future project as well. Commissioner Quinney stated that what many people are concerned about is that there is already one larger grocery store that has been vacant for over 15 years and there is one on 12th Street in Ogden as well. He stated people are concerned that the vacated Smith's store will be used if it remains. Mr. Wahlen stated one of the important things to note, which can be confirmed by Mr. Godfrey, is that Great Basin has developed this size of store throughout the western United States and this is the type of development that will provide synergy and economic development opportunities; typically in a shopping center like this is that 10,000 to 20,000 square feet of retail space will function in a strip design and there is then opportunity for additional retail space. He stated he knows one of the challenges with this project is that it is a redevelopment project and he does know that Mr. Anderson has had interest in additional pad space that is not available and he believes these issues will solve themselves as a result of the approximate \$30 million investment into the property.

Commissioner Knight stated that when the grocery store vacates the current building it will be possible to convert the space into at least eight retail spaces. He stated that when a big box store is built it will create a big draw for other businesses and it may even create interest in the other vacant grocery store space located behind Kirt's Drive-In. Chairman Residori stated that is a good point and it is one that has been discussed by the Economic Development Committee. He stated there will be a lot more traffic into the area and the other stores will benefit from that. He added that Mr. Godfrey has even talked about instances where two restaurants are located next to each other that build upon each other. Mr. Wahlen added that the plan shows the demised areas of the current development and he noted that a gym has been considered to fill the vacant grocery store; there are restaurants that have also looked at taking a portion of the space and it would be possible to add on that development by adding 'junior anchors'. He stated there are a lot of opportunities for the vacant store and he reiterated he feels the issues related with vacating the building will resolve themselves in time. He stated that one of the things he can tell the Planning Commission is that the projected value of the property is \$4 million and it will need to pull its own weight and that will require some redevelopment.

Matthew Godfrey, North Ogden's Economic Development Consultant, stated he has been working on this project for the past year and the value of the rezoning from the City's perspective is the increased tax revenue resulting from changing the zoning from residential to commercial. He added that there are some challenges with the land; one is the canal that divides the property and as Smith's carried out their due diligence with the land they also found some significant soil issues. He stated that is rare for this area, but it does exist; having a developer large enough to tackle the problem is important – otherwise the property may sit for a long period of time and it could become an undeveloped island forever. He stated that redeveloping further to the east and allowing a larger commercial block that will allow a user to develop the property that is not as desirable will result in a development that maximizes the economic return to the citizens of the community. He stated there is a convenience factor to having a larger store that will provide a much broader product offering and in addition to that the increased sales and property tax revenues will abate residential taxes. He stated he feels it is very positive for the residents of the community to have a user of this size tackle some of the legacy issues that exist with the property.

Commissioner Knight made a motion to open the public hearing at 7:14 p.m. Vice-Chairman Thomas seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

LaDawn Hirst asked if the homeowners should have received a copy of the preliminary development plan. Mr. Barker answered no, but noted that any resident is welcome to request a copy from the City. He noted it will be reviewed following this discussion. Ms. Hirst asked if there will be a barrier put up before all of the construction work begins or if all the dirt will be coming at the residential area. Commissioner Knight stated that is a valid concern and typically in a construction project of this nature there will be a construction barricade and there is also a requirement of the State Department of Environmental Quality for the contractor and the owner to register for and use silt fences and dust control mechanisms. He stated that if there are any issues related to those construction items, the residents have an avenue to register a complaint. Ms. Hirst then asked how much further east the canal will be realigned. Mr. Barker reviewed the plat map to identify the location of the existing canal as well as how the canal will be realigned. Ms. Hirst inquired as to which side of the canal the potential trail will be located. Mr. Barker stated it will be constructed on top of the buried canal. Ms. Hirst inquired as to the distance between the Smith's property line and the closest residential properties. Mr. Barker stated the distance is approximately 270 feet. Ms. Hirst asked what type of fence will be installed between the two land uses. Mr. Barker stated the standard is to use an eight foot vinyl fence. Ms. Hirst

stated that is pretty much what she has seen in town, but she would rather see a beige fence than a white one.

Charles Schmaltz, 560 E 2350 N, stated he is president of the Legacy North Homeowners Association (HOA) and he has two comments; first is as far as the zoning is concerned he does not know of anyone that he represents that has any serious concerns about rezoning the corner from residential to commercial zoning because it seems to be in the best interest of everybody. He then inquired as to how far south the canal will be piped. Mr. Barker identified the point to which the canal will be piped on the plat map. Mr. Schmaltz asked if the canal will be piped all the way to 2300 North. Mr. Barker answered no and stated that property is not owned by Smith's. Mr. Schmaltz stated that as far as the residents in his HOA are concerned, it would be in the City's best interest for the canal to be piped to 2300 North. Commissioner Knight stated that would need to be addressed with the Pine View Canal Company. Mr. Schmaltz added Intermountain Health Care would also need to be involved in that discussion since they own the property.

Nola Warner, 2369 N 525 E, stated she lives behind the subject property and her concern is whether the road through the development will connect to Legacy Drive and create additional traffic in her neighborhood. Chairman Residori stated traffic patterns will be addressed during the review of the development plan. Ms. Warner stated that she does not want a lot of traffic in her neighborhood. Commissioner Brown stated Legacy Drive is a private road. Ms. Warner stated that is correct and if there is a lot of traffic coming along the road it will be much more expensive to maintain and the residents there pay for that maintenance. Chairman Residori stated that it does not appear that the roads in the development connect to Legacy Drive and he reiterated it will be addressed during the discussion of the development plan. Commissioner Knight stated there is a driveway south of the Weber State Credit Union and that will be used to access the store from the south end. He added the existing access on 2550 North next to the Subway restaurant will remain as will the existing driveway located at the gas station site. He stated no additional driveways will be added. Mr. Barker added the existing driveway located on the north end of the development that exits onto 2600 North will also remain.

Commissioner Knight asked how far the Planning Commission can go in approving the preliminary development agreement if they are only making a recommendation to the Council regarding the rezone this evening. Mr. Barker stated the Planning Commission is required to make a recommendation regarding both items and he will make a presentation to the Council regarding both items. Commissioner Knight stated that he was simply reading the way the items are worded on the agenda and he clarified the Planning Commission is only recommending approval of the rezone and preliminary development plan. Mr. Barker stated that is correct.

Vice-Chairman Thomas made a motion to close the public hearing. Commissioner Knight seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes

Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

The public hearing closed at 7:24pm.

Vice-Chairman Thomas made a motion to recommend to the City Council approval of the rezone of the Smith's property located at 2500 North 450 East from Residential R-2 to Commercial CP-2. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

4. CONSIDERATION TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR SMITH'S MARKETPLACE.

A memo from Community Development Director Craig Barker explained this petition is quite different than a traditional rezoning request since it is being rezoned to a Planned Commercial CP-2 Zone. This process requires not only that the rezoning be heard by the Planning Commission but that a Preliminary Development Plan also be approved. Included with this report is a step by step process for the Planning Commission to see. The CP-2 ordinance requires that the developer, after the approval of the Final Development Plan is approved, actually provide a guarantee to the City for the installation of the landscaping. This requires a cost estimate be provided by the developer to the City. The other issues determined by staff are both items which could be of concern and some ordinance requirements. Staff recommends that the Planning Commission recommend to the City Council that the property not yet CP-2 be rezoned to CP-2 and the Preliminary Development Plan be approved as well.

Mr. Barker reviewed his staff memo. He noted an electronic copy of the preliminary development plan was provided to each member of the Planning Commission prior to this meeting and he briefly reviewed the various aspects of the development, including information about building sizes, landscaping, parking, and design features. He also provided a brief overview of the traffic patterns that will exist in the development.

Commissioner Brown stated she is most concerned about the traffic using the entrance near the credit union; the left turn is too sharp. She stated she would like to address that issue. Mr. Barker stated this is not the appropriate time to address the issue, but he has taken note of the concern. Commissioner Brown stated that another concern she has is that there never seems to be a sufficient number of handicapped parking spaces at shopping centers in the City. Mr. Barker stated there is a federal requirement relative to the number of Americans with Disabilities Act (ADA) parking spaces that must be provided and all the City can do is suggest that the developer increase that number. Commissioner Brown stated that is all she is doing.

Commissioner Knight stated that behind the existing store there are some speed bumps; there is not a lot of barrier between where the trail will be constructed and the driveway and he was concerned about the safety of those using the trail. Mr. Barker stated there is a significant elevation change; the trail will be elevated six to eight feet above the road. Commissioner Knight stated that he feels there should be some speed impediment tool used in that area. Mr. Barker stated the Planning Commission can discuss those issues with the developer during review of the final development plan. He then reviewed the elevation plan for the marketplace itself and he noted it does meet the City's design standards. He added that a color board will be available at the final development plan stage. He noted there is one issue with building height; there is one point on the building that appears to be three feet taller than the maximum height allowed in the City. He stated there are several ways to address the issue. He then reviewed materials and colors to be used in the building facades on the project as well as potential signage to be used. He stated whenever a commercial development borders a residential development, the developer is required to install a fence or wall; vinyl fencing is typically used, but there are other options. He then reviewed the trail plan and highlighted some of the landscaping features that will be used at the development.

Chairman Residori stated he is still concerned about traffic. He stated he likes what the developer has done to address traffic near the Subway restaurant. Mr. Barker noted this is basically a self-contained site, but the Planning Commission should discuss access in the southern area of the project near the IHC building with the applicant. Chairman Residori stated it is difficult to get across Washington Boulevard to enter or leave the development. He stated that the access point near Subway is signalized and that is where cars will stack up as they try to exit the center. Mr. Barker stated that it may be the case that traffic in the area warrants another traffic signal according to Utah Department of Transportation (UDOT) requirements. He added, however, that traffic signals generally cause more accidents. He stated that it is a challenge to get in and out of the development during peak driving hours. Chairman Residori stated the road behind the existing building exits onto 2600 North and he asked if that will be converted to a main road. Mr. Barker stated the road will still be relatively small, but some traffic will use it. Commissioner Quinney stated that access is very narrow and is more of a one-way access.

Commissioner Knight stated that he thinks the development plan looks great, but he is still concerned about the access onto and off of Washington Boulevard. He reviewed one of the renderings in the development plan and noted that the access between the existing Smith's parking lot and the Subway restaurant provides an exit corridor to Washington Boulevard and it is signalized. He stated the concern he has is that he believes the developer will want a lane that goes straight as well as both a right and left hand turning lane. He stated he thinks there will be

more traffic from the west and he feels traffic will warrant more than two lanes in the access point. Chairman Residori stated there are currently three lanes. Commissioner Knight argued that point. He stated there is an option to go straight or turn right. Mr. Barker stated the straight lane is also the left hand turn lane and there is one lane coming into the development. Chairman Residori stated that is true. Commissioner Knight stated the access point will be the main corridor in and out of the project and two lanes will not accommodate all the traffic needing to exit the development. Chairman Residori agreed and stated he feels the overall traffic flow could end up being horrendous because there is not much access now.

Mr. Wahlen approached and stated traffic to the project is vital and it is one of the issues that he has spent the most time on. He stated he has been working with UDOT for five or six years to ensure the traffic signal stays in place. He added he is also working with IHC to create a future access onto the street that runs south of the development and there is a plan for a future traffic signal at that intersection of that street and Washington Boulevard. He stated his discussions with IHC have been very good, but they are a bit hesitant to allow Smith's short term access across their property because they do not want it to hinder their future development plans, but he believes they will want access to the future traffic signal and everything will work out well. He added that he is also looking at widening the southernmost access into the site that is adjacent to the IHC property and that would address one of the concerns raised regarding credit union traffic. He then reviewed the map of the development and highlighted the improvements that he would propose making to access points and overall traffic flow. He noted the location of a joint detention basin that will serve the project as well. He then stated his experience has been that the driveway on 2550 North has been the most used and important access and it needs to function properly. He stated he will instruct his traffic engineers to review that in further detail and he noted he has already reworked the Subway parking lot and the Smith's parking lot to make improvements. He stated he will check to see if dual left turn lanes are necessary or if it would be more beneficial to provide an additional right turn lane. He then stated the existing driveway behind the current store is more of a service entrance, but it will experience more traffic. He stated there are plans to widen it so that it will feel more like a normal sized driveway and the trees and vegetation will be removed in conjunction with piping the canal and building the trail there. He stated he appreciated Commissioner Knight's comments about speed bumps in the area and he believes those will be warranted in that area. He stated he will work with the City's trails committee in the effort of constructing the trail. He then stated as the existing shopping center is redeveloped and new tenants move in, there will not be as high a demand and traffic will be minimized. He then provided a brief description of the types of traffic access points that have been provided at other Smith's Marketplace developments and noted there are up to seven access points at this proposed development and he feels that is as good as can be offered at this point. He stated Smith's focuses on their customers first and they look to provide quick and reasonable access to all of their sites; they want to make sure the entrances accommodate all traffic and he is working hard to make sure that happens. He added significant money will be spent to widen the road behind the building and landscape it in way that it will not feel like the back of a building. He added they are also constructing improvements and landscaping off of the property behind the retail shops. He referenced some changes that will be made to the existing buildings and parking areas to make them match the new development somewhat.

Commissioner Quinney asked if there has been any discussion about taking over the Subway restaurant. Mr. Wahlen stated there have been quite a few discussions about that issue and discussions about potentially purchasing all of the retail shops for redevelopment purposes are still ongoing, but one of the challenges is that the original purchase price of the properties were quite substantial and means it would be more feasible to redevelop than to tear town and rebuild the buildings. He added another challenge with the Subway restaurant is that it is such a small piece of property and it really has no value if the Subway building is torn down. He stated the owner of the property, Mr. Anderson, seems to be open to continuing discussions, but the current plan includes the existing Subway restaurant and reconfiguration of parking in that area to make it compatible with the access improvements. Commissioner Quinney stated he believes the intersection needs to be completely reconfigured because 2550 North will eventually be a main thoroughfare in the City due to all of the residential units being constructed there. He stated there are real access problems throughout the City and another nice intersection in that area would make it possible to use 2550 North as a traffic outlet or inlet for the City. Mr. Wahlen stated those are great comments and it may be possible for Mr. Barker and Mr. Godfrey to work with the current property owners to make that happen. He stated he would be willing to work on a plan to expand the intersection in the future.

Vice-Chairman Thomas asked how parking lots are designed to accommodate snow removal. Mr. Wahlen stated it will either be necessary to haul snow from the property or provide an area on site to stockpile the snow. Vice-Chairman Thomas asked who determines that. Mr. Wahlen stated the store director typically works on maintenance of the facility and he would be willing to provide the City with the names of the people responsible for those issues and the City can contact them if they are not satisfied with how the property is being maintained. Vice-Chairman Thomas stated that during the winter some of the parking spaces at the existing store are used for snow storage and that drastically reduces the number of parking spaces available for customers. Mr. Wahlen stated that he believes the newer store will be better maintained and he will provide feedback to Smith's real estate department regarding snow removal practices. He then stated that he would prefer to have a larger site with a larger parking area, but due to budget and land constraints this is the best solution that will still provide for a residential development to occur east of the project.

Chairman Residori asked Mr. Wahlen to address Commissioner Brown's comment regarding handicapped parking spaces. Mr. Wahlen stated that he appreciates that feedback and noted that when the demographics of an area require additional ADA parking Smith's will plan for and accommodate that. He stated the plan was drawn to meet City Code, but it will not be difficult to provide additional stalls. He stated, however, that it is possible to add too many ADA stalls and he will try to avoid that. Commissioner Brown stated she loves the idea and the plan, but she is still concerned about allowing the existing building to remain. She stated she does not want to see rotating tenants and instead she would like for the existing building to be demolished and something built in its place that is specifically designed to fit into the overall development. Mr. Wahlen stated he would also love to demolish the development and start over, but to do that would require redevelopment funding or City participation. He stated discussions about those options can continue and Planning Commission input can be considered through that process. He stated there are many opportunities, but the emphasis in getting the project going and underway will push those discussions. He referenced a project he is currently working on in Los

Alamos, New Mexico and stated it is very similar to this project and there are similar discussions about how the vacated building will be used; he is working with the community on redevelopment ideas and that is very exciting. He stated the only difference is that in this case Smith's does not control and own all property in the development. He stated he will work with the City to try to determine the best direction of the project.

Chairman Residori opened the meeting to public input.

Larry Hill, 2423 N 525 E, stated one concern he has that has not been addressed is that he has heard talk of additional business, which means additional restocking of the store and he is concerned about noise as more trucks and semis come to the site. He stated he assumes the loading docks will be located on the east side of the store.

Commissioner Knight stated his understanding is that Kroger does not allow trucks to come to the site before a certain time of day and they do not allow trucks to stay on site or remain running for a significant length of time. Mr. Wahlen stated Smith's will work with the community to determine the appropriate hours of the day during which trucks will be allowed on the site. He stated he does not believe there have been any discussions along those lines for this project, but that can be addressed prior to final approval of the development plan. He added it is important to note that the transition of the property on the east side of the development includes a significant elevation difference; the residential property will be above the commercial development and with the addition of an eight foot fence or wall there will be approximately 16 feet to help minimize any kind of nuisance from the loading docks.

Randy Hill, 2403 N 525 E, stated he is concerned about the 'heat island' effect; a significant amount of vegetation will be removed and running water will be eliminated from the area. He stated these things will be replaced by asphalt and that will increase the operating expenses for the abutting properties. He asked if there is any plan to account for heat islands. Mr. Wahlen stated he has not conducted any sort of study relating to heat and there are currently no detention areas designed for the shopping area. He stated it is his understanding that there will be a cooperative effort between the City, IHC, and Smith's to construct a new detention basin that will be landscaped. He noted Smith's will landscape 20 percent of the site and he is not aware of any other Smith's development that has that much landscaping. He stated that if there were no transition areas behind the building and the buffer zone between the Smith's parcel and the future residential parcel to the east, he would not be able to meet the City Code requirement. He stated that this project will result in removal of the asphalt on the south side of the existing Smith's building and that area will be regarded in preparation for new asphalt. Mr. Hill inquired as to the construction of the roof. Mr. Wahlen stated that it will be a white membrane roof. Commissioner Knight stated the back parking lot is no wider than a new road and the northeast portion of the property will not get as much sunlight. He added the white membrane roofing will not create as much of a heat island.

Commissioner Knight made a motion to recommend City Council approval of the preliminary development plan for Smith's Marketplace. Commissioner Brown seconded the motion.

Mr. Barker asked if the Planning Commission wanted to include any comments or recommendations in their motion. He stated the City Council will review the minutes of this meeting and it may be appropriate to make a statement about any recommendations or comments in the motion. Commissioner Knight stated he would do that in the final plan approval step of the process, but he does not think there is a need to do that at this step in the process. Mr. Barker stated that is fine and he reiterated he has sent the Planning Commission a copy of the process that will take place for this project. He stated this item will come back to the Planning Commission one final time for final approval of the development plan.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

5. CONSIDERATION TO APPROVE REVISIONS FOR LEWIS PEAK PRUD LANDSCAPE PLAN.

A memo from Community Development Director Craig Barker explained the Homeowners Association for Lewis Peak PRUD has submitted the proposed changes to the landscape plan as was discussed in the last Planning Commission meeting. The trail on the east of the detention pond needs to be labeled as a “Public Trail” and an easement needs to be recorded over that trail for public trail purposes. Please review the drawings provided to see that all the issues and changes proposed have been addressed. Once the Planning Commission is satisfied, a motion could be made to approve the landscape plan with the addition of the note to show the proposed trail as a “Public Trail” and require that an easement be granted for this trail to the City.

Mr. Barker reviewed his staff memo and he provided a brief review of the recent actions that have occurred at the PRUD. He noted most of the outstanding items included in the landscaping plan have been completed and the developer and representatives of the Homeowners Association (HOA) are present this evening to answer any questions.

Mike Norseth, 1546 N 775 E, stated that the HOA provided a copy of some drawings for the Planning Commission to review that detail the agreements regarding the landscaping plan that have been reached between Mr. Lyman Barker and the HOA. He reviewed the drawings and highlighted the proposed changes to the originally approved landscaping plan. Chairman Residori stated that during the last meeting there was discussion about providing a path or trail that would be large enough to accommodate mowers and landscaping maintenance equipment to maintain the common area and he asked if that is included in the plan, to which Mr. Norseth

answered yes. He then stated the next step is to ensure that appropriate easements are shown on the Phase II plat when it is approved.

Mr. Craig Barker stated that the Building Official has not inspected the work that has been completed to date.

Commissioner Brown stated she is comfortable with the proposed changes, but she is not comfortable moving forward with Phase II because she has not seen proof that things get completed as the developer has committed to. She stated she would like to ask how long it will take to complete the work that is proposed in this amended landscaping plan and she would like to stick with that time table. She stated Phase II could be held as the 'carrot' that will encourage those responsible to complete the work to get it done on time. Mr. Norseth stated that all he has addressed is the request to amend the landscaping plan, but there are issues the HOA would like to see taken care of before Phase II is approved and the escrow money is turned back over to Mr. Lyman Barker. He stated there is a punch list and he understands the developer is working to complete it, but he would like for the neighbors to have a chance to meet with the Building Official and review that punch list to ensure everything is taken care of before the next step in development of the property. He added that he appreciates the Planning Commission working with the HOA to amend the landscaping plan. Commissioner Brown stated she feels it fits the lifestyle of the neighborhood much better. She reiterated that she feels strongly that the Planning Commission should hold to the deadlines to complete the items on the punch list before approving the next phase of the development. Mr. Norseth stated a lot of work has been done in the subdivision in the last month and the HOA is happy with that progress, but they do not want it to stop.

A general discussion then took place regarding the easements and maintenance of the parcel of open space in the subdivision. Mr. Craig Barker stated that the maintenance issue is larger than the issue of use and he noted it is a retention basin. Commissioner Brown stated that if there is an attractive, inviting entrance to the area the residents will use it.

Mr. Norseth stated that he and Mr. Lyman Barker have taken action to transfer the HOA from Mr. Lyman Barker's responsibility to the responsibility of the HOA.

Brittany Sheen, 1553 N 775 E, stated that the transition from the developer to the HOA has been somewhat rough and the homeowners are all anxious to complete that transition and for all work to be completed. She stated the common areas and the park strips along 775 East have been neglected in the transition because of the delay in creating the HOA and the inability to collect HOA dues to perform the necessary maintenance. She stated the HOA corporation was finally set up again in the middle of July after expiring over two years ago. She added that the residents in the area would like to be assured that work will be completed as approved before additional phases of the project are approved. She stated there are many broken sprinkler heads and the grass that has been planted has not been maintained and fertilized and she would like those items to be added to the punch list to ensure that those areas be maintained and restored to a reasonable condition before the HOA assumes full responsibility for them. She stated the HOA is anxious to assume responsibility, but they would like for the new landscaping plan to be approved.

Commissioner Brown stated a PRUD is out of the control of the City and the HOA will need to work through the maintenance issues with the developer. Commissioner Knight stated that Building Official Kerr has been made aware of the condition of the landscaping at the project. Mr. Kerr stated that he is working to ensure that the landscaping is completed and in an acceptable condition. He stated that on Monday he met with Corey Combe to review the landscaping items he was responsible for and he had a couple of concerns after that meeting; there are a few areas that he did not work on and he reviewed those areas on the plat map. He reviewed the work that has been done in some of the common areas, but noted that some areas are still covered in weeds. He stated he did not know there were broken sprinklers in the neighborhood and if that is the case Mr. Lyman Barker will need to take care of those before the HOA assumes responsibility for the maintenance. He then reviewed some other landscaping items on the punch list and stated that he has been informed that some of the work was completed today, but he has not had the opportunity to inspect those. He stated that there are some trees that are not planted yet and money will be left in escrow to ensure that once someone moves into the homes they will have money to plant trees in their park strips. He stated he told Mr. Combe that there must be some landscaping between him and the HOA so that the HOA can be made aware of the systems that have been used in the development for maintenance purposes. Mr. Norseth stated he would like to schedule a walk-through with Mr. Kerr to allow the HOA to review the work that has been done. Mr. Kerr stated he would be happy to do that.

Commissioner Brown asked if the land along the church fence has been cleaned up; it was full of weeds the last time she drove through it, which was yesterday. Mr. Kerr stated one side was re-sodded. Commissioner Brown stated she is talking about the property that extends all the way to 1700 North. A discussion centering on the property ensued between Ms. Sheen, Mr. Norseth, and Mr. Kerr, with Mr. Kerr reiterating that most of the landscaping work has been done though there are a few items still on the punch list yet to be completed.

Mr. Lyman Barker stated he wanted to comment on the easement that was to be provided to allow access to the common area in the corner of the subdivision. He stated the HOA is proposing that the easement be included in Phase II of the development and if that is the case the easement will be right next to a house. Vice-Chairman Thomas stated the plat originally included easements and trails between lots nine and 10 and between lot 12 and the future phase. Mr. Lyman Barker stated that is correct. Mr. Craig Barker stated the easement was shown on the approved plan, but it was never provided for. Mr. Norseth added that the current property owner is not willing to grant an easement for access to the open space so it is necessary to include it in Phase II.

Vice-Chairman Thomas asked Mr. Lyman Barker if he is comfortable with the proposed changes to the landscape plan, to which Mr. Lyman Barker answered yes.

Vice-Chairman Thomas made a motion to approve revisions to the Lewis Peak PRUD landscape plan.

Mr. Craig Barker stated he would like for the motion to include language specifying that there be a public trail easement to serve the open space located on the border of Phase I and Phase II.

Vice-Chairman Thomas made an amended motion to approve revisions to the Lewis Peak PRUD landscape plan including the requirement to secure an easement to be dedicated to the City to provide for a trail through the PRUD.

Commissioner Brown asked if the Planning Commission is also giving approval for Phase II of the project. Vice-Chairman Thomas answered no and stated the Planning Commission is only considering the landscape plan tonight. Commissioner Brown stated that the landscape plan was tied to approval of Phase II the first time this item was considered. Mr. Lyman Barker stated it is his understanding that he cannot begin work on Phase II until all landscaping in Phase I is finished and accepted by the City. Chairman Residori stated acceptance of the completed work in Phase I will be done by Mr. Kerr.

Commissioner Knight seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION ON THE MASTER PLANNED COMMUNITY (MPC) ZONE.

A memo from Community Development Director Craig Barker explained staff has prepared, in ordinance form, a “Master Planned Community Zone”. This zoning proposal is in many ways similar to a PRUD Zone. It allows for different land uses than those which are usually found in the type of residential zones in the City Zoning Ordinance. It allows for units to be transferred from area to area based on an approved plan. It also may allow differing land uses than those normally allowed within a standard zoning category. The process requires extensive negotiation between the developer and the City to create a Community Master Plan Map and a Development Agreement which is highly detailed with descriptive information about the overall development of the area within the Master Planned Community Zone. The Planning Commission needs to be well schooled with regard to the proposed development descriptions and the Development Agreement because these two documents will guide the development of the MPC Zone area for years into the future.

Mr. Barker reviewed his staff memo.

Commissioner Knight asked if the Planning Commission is allowed to limit this type of zone to property on Washington Boulevard only. Mr. Barker stated that this type of zone would only be

allowed for residential developments on parcels of property 100 acres or larger in size. He stated mixed-use zoning could be approved for a commercial property as small as five acres. Vice-Chairman Thomas stated that the developer that initially requested this ordinance owns property adjacent to the original subject property and he may request this type of zoning on that property as well. Mr. Barker stated that is definitely a possibility once the zone is created. He added he feels the Planning Commission needs to seriously evaluate whether this type of zoning is appropriate in North Ogden. Commissioner Knight stated he sees no problems with allowing the hillside to continue to develop the way it has been developing to this point. He stated he is in favor of giving developers assurances regarding their ability to develop their ground, but he does not want to approve a development from a master plan point of view. He stated he would like for the development to be decided upon as the City progresses. Mr. Barker stated the developer is asking that he be allowed to construct dwellings in a fashion that would be agreed upon in a development agreement and the plan may be general enough that the City does not know exactly where the dwellings would be located. He added another issue he has with this type of zoning is that the developer owns property that has steep slopes and they may approach the City and ask for their density to be transferred to other areas of the property due to the inability to develop certain areas because of a lack of infrastructure. He stated the City's PRUD zone references undevelopable and developable ground, but those things are not mentioned in the language for this type of zoning.

Commissioner Knight stated he is first to stand up for a property owner's rights to develop, but he is concerned about the need to dig out the property in order to make it developable. He stated that practice causes a scar on the mountain.

Vice-Chairman Thomas asked if it is an option for the developer to create a development agreement relative to how his property will develop without the City adopting and creating a new zone that may essentially 'open Pandora's box'. Mr. Barker stated that because the property is in the Hillside Protection Zone the developer is required to conduct very detailed studies to determine which area is actually developable; those studies usually identify earthquake fault lines and debris flow areas.

Commissioner Knight stated the City has a process to approve residential developments, but he does not see any future body approving the development of a gravel pit in that area; such a development would require intense industrial zoning. He stated that if the City were to accept the development agreement and plan for the development and it includes a gravel pit, the City will be bound by that. Mr. Barker stated that is correct. Commissioner Knight stated for that reason he is very skeptical of this type of zoning. Mr. Barker stated a general proposed development map must be provided by the developer before negotiations of the development agreement can take place between the developer and the City and it may be possible to exclude those types of things from the development agreement. He stated the question in his mind is whether the City should spend the time and energy to develop this zone when it will apply to a very small number of properties. Vice-Chairman Thomas stated there is not a significant number of parcels in the City that are 100 acres or larger that would justify a zone like this. Chairman Residori agreed and added that it could appear that the City is doing a favor for one developer and future developers could ask for the same thing. A short discussion regarding actions taken in Pleasant View then ensued.

Commissioner Quinney asked when the gravel pit facet of the project was first discussed. Mr. Barker stated it is included in the draft ordinance. Commissioner Quinney asked who added it. Mr. Barker stated the developer submitted the draft ordinance and it is patterned after the ordinance adopted in Pleasant View City.

Chairman Residori stated it appears that at least half of the members of the Planning Commission are in favor of tabling consideration of this ordinance.

Commissioner Knight led a brief discussion regarding other gravel pits in the area and the amount of money that is generated by those operations. He stated that can be a motivating factor for adding the language regarding gravel pits to the ordinance. Vice-Chairman Thomas stated that even if that is not part of the developer's motivation, he does not understand why it is not possible to continue to develop the hillside as it has been developing. Commissioner Russell stated that if the developer is only seeking to create a residential development he does not know why the Planning Commission should try to prevent that. Mr. Barker stated the question is what type of residential development the developer wants to create and he may try to negotiate things like density transfers throughout the property. Commissioner Russell asked if the developer could not try to negotiate those things regardless of the zoning of the property. Mr. Barker answered yes and stated that would be allowed in a PUD or PRUD. Vice-Chairman Thomas stated that is his point and he reiterated he would like the development of the hillside to continue as it has begun. Mr. Barker stated he believes the developer wants to tie the City's hands by entering into a development agreement that cannot be amended unless both parties agree. Commissioner Knight stated he is in favor of property owner's rights, but the Planning Commission also has a responsibility to the community as a whole. He stated he works with developers every day and he sees the types of shenanigans they try to pull; one possibility that could happen is that the developer could try to build a gravel pit on his property and if North Ogden City does not approve of that he may try to get Pleasant View to annex his property into their city. A short discussion regarding a potential annexation or disconnect of the property then ensued with Mr. Barker stating that would be difficult to do since the property is already incorporated into the City. He then reviewed the process the developer would need to follow to get a development approved if the proposed ordinance were adopted and a discussion regarding the proposed ordinance then ensued. Vice-Chairman Thomas stated he believes the reason the developer would like the City to adopt this type of zoning is so that he can plan a development with a 20 year build out and be assured that the City will not make changes that would impact his development as it was originally approved. Commissioner Knight stated that there are two types of property owners; people that own their home or business are the type of property owner he is interested in protecting. He stated this developer is not that type of property owner; he will sell the property and will not care what happens in the future. He stated he will keep that analogy in mind as he moves forward as a Planning Commissioner. Commissioner Russell stated it is not fair to have a negative opinion of what the developer plans to do. Commissioner Knight stated that the draft document talks about including a gravel pit and the developer wants to tie the City's hands via a development agreement and he feels the Planning Commission needs to be very careful in moving forward. He stated something similar has already happened in Pleasant View and he does not want the same thing to happen in North Ogden. Mr. Barker stated the Planning Commission and City Council will negotiate the development agreement and those kinds of things could be fought against. He reiterated he feels the City needs to be very careful

with this type of zoning. He stated his personal opinion is that he does not think the Planning Commission should move forward, but he noted that the developer has hired an attorney that is one of the top land use attorneys in the state and he is the person that drafted the ordinance and zoning language. A discussion regarding how to proceed ensued and the Planning Commission determined to table further consideration of the ordinance and zone at this time.

Commissioner Knight made a motion to forward a recommendation to the City Council that they not consider this ordinance or the creation of a Master Planned Community (MPC) zone. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

7. PUBLIC COMMENTS.

There were no public comments.

8. PLANNING COMMISSION/STAFF COMMENTS.

There were no additional Planning Commission or staff comments.

9. ADJOURNMENT.

Commissioner Brown made a motion to adjourn the meeting. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed unanimously.

The meeting adjourned at 9:10pm.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved